

Harry Reid, Barbara Boxer, Patrick J. Leahy, Patty Murray, Richard J. Durbin, Kent Conrad, John D. Rockefeller IV, Jeff Bingaman, Tim Johnson, Daniel K. Inouye, Debbie Stabenow, Robert P. Casey, Jr., Max Baucus, Charles E. Schumer, John F. Kerry, Mark Udall, Michael F. Bennet.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic shall be brought to a close?

The yeas and nays are mandatory under the rule.

Mr. KERRY. Mr. President, I ask unanimous consent, before the clerk calls the roll, that before the Aponte vote there be 2 minutes of debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. LEE), the Senator from Kansas (Mr. MORAN), and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted: nay.

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 70, nays 16, as follows:

[Rollcall Vote No. 226 Ex.]

#### YEAS—70

Akaka	Franken	McCain
Alexander	Gillibrand	McCaskill
Ayotte	Hagan	Menendez
Begich	Harkin	Murkowski
Bennet	Hatch	Murray
Bingaman	Hoeven	Nelson (NE)
Blumenthal	Hutchison	Nelson (FL)
Boxer	Inhofe	Portman
Brown (MA)	Inouye	Pryor
Brown (OH)	Isakson	Reed
Cantwell	Johnson (SD)	Reid
Cardin	Kerry	Rockefeller
Carper	Klobuchar	Sanders
Casey	Kohl	Schumer
Chambliss	Kyl	Sessions
Coats	Landrieu	Shaheen
Collins	Lautenberg	Shelby
Conrad	Leahy	Snowe
Coons	Levin	Stabenow
Corker	Lieberman	Tester
Durbin	Lugar	
Feinstein	Manchin	

Toomey  
Udall (CO)

Udall (NM)  
Warner

Webb  
Whitehouse

#### NAYS—16

Barrasso  
Boozman  
Cochran  
Crapo  
DeMint  
Enzi

Grassley  
Johanns  
Johnson (WI)  
McConnell  
Paul  
Risch

Roberts  
Rubio  
Vitter  
Wicker

#### NOT VOTING—14

Baucus  
Blunt  
Burr  
Coburn  
Cornyn

Graham  
Heller  
Kirk  
Lee  
Merkley

Mikulski  
Moran  
Thune  
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 70, the nays are 16. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic?

The nomination was confirmed.

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to the next vote.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, Mari Carmen Aponte is an excellently qualified Latina who is being politically discriminated against despite a record of accomplishment for the United States in El Salvador, which is universally recognized as extraordinary, from getting Salvadoran troops to fight alongside us—the only Latin American country to do so—to creating a new monitoring center to fight transnational crime. To suggest that the FBI and diplomatic security would give her not one but two top secret clearances that were not merited is the ultimate insult to those agencies. It is simply wrong to use alleged nameless, faceless accusers to falsely impugn her reputation.

I urge my colleagues to allow an up-or-down vote on her nomination and to vote for cloture so we can get to that vote to let this qualified Latina continue to work on behalf of the United States and El Salvador as she has successfully done.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, all of us regret when there is a situation where one of us has to oppose a nomination of a President, and 1,198 nominations have gone through without being contested. But this is one that rises to the level of concern.

Republicans have been asking questions about this nominee for months—in fact, much longer than that—going back to why she refused to take a lie detector test, why she withdrew her name when she was first nominated for ambassador under Clinton, and why the files have not been properly updated. We have asked the White House for private meetings with the FBI and CIA to give us updated knowledge of what happened in this circumstance so we

can make a good decision. But there was never an offer to do that. We had offers of low-level folks to come talk only to me, not to Republicans on the committee. But there are enough questions here for honest answers, and we have not gotten them.

I encourage my colleagues to vote against this nomination.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Do we have any time remaining?

The PRESIDING OFFICER. No time remains.

#### CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Harry Reid, John F. Kerry, Barbara Boxer, Patrick J. Leahy, Patty Murray, Richard J. Durbin, Kent Conrad, John D. Rockefeller IV, Jeff Bingaman, Tim Johnson, Robert Menendez, Daniel K. Inouye, Max Baucus, Charles E. Schumer, Mark Udall, Michael F. Bennet, Al Franken.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. LEE), the Senator from Kansas (Mr. MORAN), and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted: nay.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 37, as follows:

[Rollcall Vote No. 227 Ex.]

**YEAS—49**

Akaka	Franken	Murray
Begich	Gillibrand	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Blumenthal	Inouye	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Shaheen
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carpenter	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Collins	Levin	Warner
Conrad	Lieberman	Webb
Coons	Manchin	Whitehouse
Durbin	McCaskill	
Feinstein	Menendez	

**NAYS—37**

Alexander	Hoeben	Portman
Ayotte	Hutchison	Reid
Barrasso	Inhofe	Risch
Boozman	Isakson	Roberts
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
Cochran	Kyl	Shelby
Corker	Lugar	Snowe
Crapo	McCain	Toomey
DeMint	McConnell	Vitter
Enzi	Murkowski	Wicker
Grassley	Nelson (NE)	
Hatch	Paul	

**NOT VOTING—14**

Baucus	Graham	Mikulski
Blunt	Heller	Moran
Burr	Kirk	Thune
Coburn	Lee	Wyden
Cornyn	Merkley	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 37. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Texas.

## RISK-BASED SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES ACT

Mrs. HUTCHISON. Mr. President, I come to the floor to discuss and pass the Risk-Based Security Screening for Members of the Armed Forces Act.

How many times have you been at an airport screening line, you are getting ready to go through the machines that are going to determine you are safe to travel and standing right there in the line is a man or woman in their military fighting gear—their camouflage and their combat boots—and they are having to take off their combat boots,

many times in their 2-week R&R period between their stints in Afghanistan or Iraq, and you think: Oh, my gosh. It is unbelievable that our military people—who are putting their lives on the line, who are sacrificing so much—are having to go through a procedure that does not have a commonsense feel about it.

Last week, Senator ROCKEFELLER, Senator BURR, and I introduced S. 1954, the Risk-Based Security Screening for Members of the Armed Forces Act. The bill was a modification of the House companion bill that was recently passed by Representative CRAVACK from Minnesota in a unanimous decision by the House.

It requires the TSA, the Transportation Security Agency, to create a system to speed members of our uniformed services through airport security.

I would also like to thank Senators LIEBERMAN and COLLINS for their input on this piece of legislation. We have all worked hard to move this bill through quickly, and it is the House bill we will be taking up very shortly with the modifications I have mentioned.

The bill establishes a timeline for the Transportation Security Administration and the Department of Defense together to develop and implement a program to establish expedited security screening procedures for military personnel and their families.

I think we can all agree our military men and women make sacrifices for our Nation every day. The least we can do is try to make their lives a little easier when they travel around the country they defend.

I think they have earned the right to at least go to the head of the line or have some kind of trusted passenger status.

Our Armed Forces are comprised of over 1.4 million brave men and women. They are stationed at more than 6,000 military bases worldwide. For all the hardships they endure, I think they deserve to be at the front of the line in some kind of procedure that expedites their security clearance.

Airports, airlines, and TSA recognize this issue, and they want to reduce the delays. Currently, TSA uses the same screening protocols for all passengers.

The TSA has indicated that it would like to improve the process and to move forward to risk-based screening procedures. They certainly have my support and I know that of many Members, if not an overwhelming majority in Congress, to do that.

Mr. Pistole, the head of the Transportation Security Administration, has testified before our Commerce Committee about the risk-based screening procedures they are trying to put in place that will give them a better opportunity to target people who are more at risk or more under suspicion, while letting frequent flyers and people in the military go through on an expedited basis.

I would say the first identifiable group to get risk-based screening proc-

esses should be those who are fighting this war, those with boots on the ground. Members of our military and their families traveling on orders and in uniform should benefit from these new rules. In a time of limited resources, the establishment of procedures to expedite the screening of a pool of travelers who are most certainly our trusted travelers would better allow the TSA to focus their attention on areas of real threats.

Earlier this year, the House passed Congressman CRAVACK's bill unanimously, just a couple of weeks ago. I hope our quick and unanimous action will allow the House to quickly reconsider the modified measure and get the bill signed into law as soon as possible.

As we are going into this traveling season—we have been through Thanksgiving, and we are now approaching Christmas. The bill is not going to be implemented by this season. They cannot do it in 2 weeks. But surely by the next holiday season, our trusted travelers, the members of our military and their families, will be able to have this expedited procedure. I hope that as they are traveling in this year's rush through the processes to get home to their loved ones, they will know we are working on something that will make their lives easier and expedite their travels while they are home on leave from fighting the war that is protecting our freedoms and our way of life.

Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 1801 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

Without objection, the Senate proceeded to consider the bill.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, and I urge passage of the bill, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1458), in the nature of a substitute, was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Risk-Based Security Screening for Members of the Armed Forces Act".

### SEC. 2. SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(m) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

"(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with